

Filed for intro on 02/16/95
House Bill _____
By _____

Senate No. SB1670
By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 14, relative to the collection of fees by public defenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-14-204, is amended by adding the following as a new, appropriately designated subsection:

(e) The district public defender has the duty and responsibility of determining whether an indigent client is financially able to pay a nominal fee to the public defenders office in exchange for such indigent person's legal representation.

(1) The fee range applicable to any individual client would be based on poverty requirements set forth in federal statutes and such standards of need as may be established by the department of human services or required by any subsequently enacted federal statute on the same subject.

(2) The public defender has the duty to set a fee for each indigent client within the following prescribed ranges based on the public defender's assessment of the client's ability to pay:

(A) For an income level below the poverty limit -- a fee of zero dollars (\$0) to twenty-five dollars (\$25).

(B) For an income level of one hundred percent (100%) to one hundred fifty percent (150%) of the poverty limit -- a fee of twenty-six dollars (\$26) to one hundred dollars (\$100).

(C) For an income level of one hundred fifty percent (150%) to two hundred percent (200%) of the poverty limit -- a fee of one hundred one dollars (\$101) to two hundred dollars (\$200).

(D) For an income level of two hundred percent (200%) of the poverty level or more -- a fee of two hundred one dollars (\$201) to three hundred dollars (\$300).

(3) For any individual client, the public defender may petition the court for a waiver from collecting the fee upon satisfactory proof to the court that the client is without means by income, assets or family assistance to pay the required fee.

(4) The public defender shall enter into a fee agreement with a client as soon as possible after his or her engagement, and in no case more than forty-five (45) days after initial assignment of the case, unless the court specifically allows a longer time period.

(5) The public defender shall retain fifty percent (50%) of all fees collected to be applied to the operating expenses of the judicial district public defender office in which such fees are collected. The remaining fifty percent (50%) shall be remitted to the county in which it is collected for court-related expenses, grants to law enforcement agencies within the county, or victim advocacy programs providing services within the county.

(6) The fees collected by a public defender from indigent clients may not be used to offset the public defender's annual budget as established by state or local appropriation..

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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